

## REMARKS

Claims 1-23 are currently pending. Claims 1 and 20 have been amended. Applicants acknowledge and appreciate the Examiner's indication that claims 4-19 and 22-23 are allowed.

The Examiner rejected claims 20-21 under 35 U.S.C. §102(b) as being anticipated by Jansson (U.S. Patent No. 6,209,745).

Amended claim 20 defines a method of assembling an oil tank having an inlet defining an inlet aperture and an inlet axis. The method includes engaging an oil tank cap with the inlet and rotating the oil tank cap about the inlet axis from an inserted position to a sealed position. The method also includes moving a movable portion of the oil tank cap from an extended position to a retracted position without significantly rotating the movable portion, and maintaining the movable portion of the oil tank cap in the retracted position without significantly rotating the movable portion.

Jansson does not teach or suggest moving a movable portion of an oil tank cap from an extended position to a retracted position without significantly rotating the movable portion and maintaining the movable portion of the oil tank cap in the retracted position without significantly rotating the movable portion. Rather, Jansson discloses a pop up flush-mount cap that includes a seal cap 7 that threadably engages a sleeve 43. A lid 3 fits at least partially within the seal cap 7 and is movable between a flush position and a pop up position. A pin 11 extends through a shaft 9 and engages the seal cap 7 in one of two positions. The first or flush position is illustrated in Fig. 3. In this position, the pin 11 engages a shallow recess 17 and the cap is substantially flush with the tank in which the cap is installed. In the second or pop up position, shown in Fig. 4, the pin 11 engages a deep recess 15 and the lid 3 extends above

the surface of the tank. The deep recess 15 and the shallow recess are rotated relative to one another 90 degrees. As such, to move between the flush and pop up positions, the lid 3 must be depressed and rotated 90 degrees. Thus, the orientation of the lid 3 *must* change relative to the seal cap 7 in order to move between the flush and pop up positions. In addition, the lid 3 must be rotated 90 degrees to move into a retracted position that can be maintained.

In light of the foregoing, Jansson does not teach or suggest each and every limitation of claim 20. As such claim 20 is allowable. Claim 21 depends from claim 20 and is also allowable

The Examiner rejected claims 1-3 under 35 U.S.C. §103(a) as being unpatentable over Jansson in view of Okuma (U.S. Patent No. 5,627,351).

Amended claim 1 discloses a motorcycle that includes a frame, a front wheel coupled to the frame, a rear wheel coupled to the frame, and an engine supported by the frame and adapted to propel the motorcycle. An oil tank is supported by the frame and includes an inlet that defines an inlet aperture having an inlet axis. An oil tank cap is rotatable about the inlet axis between an inserted position and a sealed position. The oil tank cap has a movable portion that is movable substantially along the inlet axis between a retracted position and an extended position and maintainable in the retracted position without substantial rotation of the movable portion between the extended position and the retracted position.

As discussed, Jansson does not teach or suggest a cap that includes a movable portion that is movable substantially along the inlet axis between a retracted position and an extended position and maintainable in the retracted position without substantial rotation of the movable portion between the extended position and the retracted position. Rather, Jansson teaches a

cap that requires a 90 degree rotation to move *and maintain* a lid between a flush and a pop up position.

Okuma does not cure the deficiencies of Jansson. Okuma is cited by the Examiner to show the parts of the motorcycle recited in claim 1. However, Okuma teaches nothing regarding a retractable cap.

In light of the foregoing, Jansson and Okuma, alone or in combination, do not teach or suggest all of the limitations recited in claim 1. As such, claim 1 is allowable. Claims 2-3 depend from claim 1 and are also allowable.

### CONCLUSION

In light of the foregoing, Applicants respectfully request entry of the amendments and allowance of claims 1-23.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



Thomas J. Otterlee  
Reg. No. 48,652

Docket No.: 043210-1542-01  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108

(414) 271-6560